

## Fact Sheet

# Pesticides Act and Ontario Regulation 63/09 Community Gardeners

April 2011

Ontario's cosmetic pesticides ban took effect April 22, 2009. Ban requirements are detailed in Ontario Regulation 63/09 (O. Reg. 63/09) under the Pesticides Act.

About 250 pesticide products are banned for sale and more than 90 pesticide ingredients are banned for cosmetic uses. Consumers can purchase pesticides only for public health or safety reasons such as fighting West Nile Virus, killing stinging insects like wasps, or to control poison ivy and other plants poisonous to humans by touch.

Community gardeners are persons who grow vegetables or other plants on public land such as plots or allotments in hydro corridors.

### Classification of pesticides

A pesticide product must be registered by Health Canada's Pest Management Regulatory Agency (PMRA) and classified by the Ministry of the Environment (MOE) to be sold and used in Ontario. Products must be used according to label directions and for purposes allowed under the ban.

Using homemade pesticides is illegal. Homemade pesticides have not been evaluated and registered by the PMRA and, therefore, may pose a risk to you, your garden and the environment. A PMRA brochure provides information on the risks associated with using [homemade pesticides](#).

Ontario has a pesticide classification system consisting of [eleven classes](#):

- Class 1 is products intended for manufacturing purposes.
- Class 2, 3 and 4 are restricted or commercial products.
- Class 5 and 6 are domestic products intended for household use.
- Class 7 is controlled sales products (domestic or restricted).
- Class 8 is domestic products that are banned for sale and use.
- Class 9 pesticides are ingredients in products for use only under exceptions to the ban.
- Class 10 pesticides are ingredients in products for the poisonous plant exception.
- Class 11 pesticides are ingredients in products for cosmetic uses under the ban.

### **Allowed pesticide uses**

Community gardeners should consult the property owner before using any pesticide to ensure the agreement allows the use of the pesticide. If so, a community gardener can use Class 5, 6 or 7 domestic products to protect health or safety by controlling pests such as:

- wasps or mosquitoes
- plants that are poisonous to humans by touch, such as poison ivy and giant hogweed

Community gardeners can use Class 5 or 6 products containing Class 11 pesticides (biopesticides and certain lower risk pesticides) to manage pests in gardens. Refer to the [Managing Pests in Lawns and Gardens](#) fact sheet for additional information.

### **Pesticide use notification for non-residential area land**

A community garden located on municipal land or utility right of way is considered non-residential area land. A person who grows plants on a plot of land in a community garden must provide public notice of any pesticide use.

A person who uses a Class 11 pesticide on public land is required to post a non-residential area notice sign ([sign E](#)) to notify visitors and passers-by of pesticide use. Exact wording and dimensions for the notice and warning signs are available on [MOE's website](#). A sign is not required if the pesticide application area is fenced or otherwise keeps the public out.

The non-residential sign may be posted immediately before pesticide use unless the garden is on land that is associated with a school, apartment or condominium building, long-term care home, park or campground. In the second case, the sign must be posted at least 24 hours but not more than 7 days before pesticide use.

### **Controlled sales (Class 7) products**

Beginning April 22, 2011, Class 7 products will not be readily accessible on store shelves and consumers must ask vendor staff for assistance if purchasing these products. Licensed vendors must continue to give consumers a handout advising that certain uses are prohibited under the ban.

Domestic products in Class 7 have both cosmetic and non-cosmetic uses. Under the ban, the cosmetic uses of these products are not allowed. For example:

- Class 7 products cannot be used on driveways, patios, lawns or gardens to control weeds or other vegetation as these are cosmetic uses, but can be used to control plants poisonous to humans by touch (e.g., poison ivy, giant hogweed).

- Class 7 products cannot be used to control lawn or garden pests as these are cosmetic uses but can be used to control biting or stinging pests as directed on the label. Class 7 products can be used inside the home or immediately around the outside perimeter to control indoor pests as directed on the label.

### **Proper disposal**

[Class 8](#) products are banned for use and should be taken to a local municipal hazardous or special waste collection site for proper disposal. To find the closest waste collection location, contact your municipality or go to [Stewardship Ontario](#) for a list of waste collection sites and check if they handle pesticide waste. Empty containers of Class 5, 6 or 7 products can be wrapped in newspaper and disposed of with other household garbage as indicated on the product label.

### **Compliance and Enforcement**

To report non-compliance of pesticide use, contact your [MOE District Office](#) during regular business hours. After business hours, call the MOE's Pollution Hotline at 1-866-MOE-TIPS (1-866-663-8477).

### **For more information:**

For useful tips on growing vegetables, fruit, ornamental plants and lawns without using pesticides, see the [Gardener's Handbook](#) produced by the Ministry of Agriculture, Food and Rural Affairs.

Direct questions about the cosmetic pesticides ban to the MOE's Public Information Centre at 1-800-565-4923 or 416-325-4000 (press 0 to talk to an information officer).

This fact sheet is for information and is not legal advice. Interested parties are advised to refer to the Pesticides Act and O. Reg. 63/09 to address specific circumstances.

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